



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Peled *et al.*

SERIAL NUMBER: 09/463,320

EXAMINER: D. Saunders

FILING DATE: January 22, 2000

ART UNIT: 1644

FOR: METHODS OF CONTROLLING PROLIFERATION AND
DIFFERENTIATION OF STEM AND PROGENITOR CELLS

April 4, 2002
Boston, MA

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY-ABANDONED
PATENT APPLICATION UNDER 37 C.F.R. 1.137(b)**

1. This petition is to request revival of the above-referenced application under 37 CFR 1.137(b). In February 2002, Applicant's attorney telephoned the Examiner and was informed that the application had gone abandoned for failure to submit a computer readable form (CRF) of the "SEQUENCE LISTING" in the application. Our records show that such a SEQUENCE LISTING was hand carried to the Examiner in July 2001. The Examiner also communicated at that time that a Notice of Abandonment was being prepared and would be mailed shortly. As of the date of this Petition, a Notice of Abandonment has not yet been received in our office, despite numerous inquiry calls to check on the status of the case. Accordingly, Applicants are filing this petition to revive the application. If the case has not in fact gone abandoned, Applicants request notification of its status.
2. The subject matter of the present application has significant and important implications in the field of medicine and health and Applicant is being unfairly penalized by the delay in prosecution.
3. A paper copy of the "Sequence Listing" was submitted with Applicants' Response dated March 22, 2001. Our records indicate that CRF was also submitted, but the USPTO states that it did not receive a CRF. A CRF was hand carried to the Examiner in July 2000. In addition, a Reply to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", dated June 20 2001, is submitted herewith. The Reply includes an initial computer readable form (CRF) copy of the "Sequence Listing", a substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, and a statement that the content of the paper and computer readable copies are the same and include no new matter as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(e).

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4. The entire delay in filing the required reply from the due date for the reply until the filing of the present petition was unintentional (37 C.F.R. § 1.137(b)(3)).
5. A check (#11733) in the amount of \$640.00 for filing the Petition is enclosed (37 C.F.R. § 1.17(m)).
6. The Reply to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", which includes a computer readable form (CFR) copy of the "Sequence Listing", a substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, and a statement that the content of the paper and computer readable copies are the same and include no new matter as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d), is enclosed.
7. A return receipt postcard is enclosed.
8. The Commissioner is hereby authorized to charge any additional fees that may be due, or to credit any overpayment of same, to Account 50-0311, Ref. No. 24024-501.

Respectfully submitted,



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Date: April 4, 2002

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